

Minutes of: PLANNING COMMISSION
Time of Meeting: 6:00 P.M.
Date of Meeting: August 16, 2006
Place of Meeting: COUNCIL CHAMBERS

CALL TO ORDER

Planning Commission Chairperson Montgomery called the Regular Meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Whitton led the Pledge of Allegiance.

ROLL CALL

Present: Chairperson Montgomery, Commissioners Whitton, Heineman, Dominguez, Cardosa and Baker

Absent: Commissioner Segall

Staff Present: Don Neu, Assistant Planning Director
Jane Mobaldi, Assistant City Attorney
Chris Sexton, Planning Technician II
Van Lynch, Senior Planner
Scott Donnell, Associate Planner
David Hauser, Deputy City Engineer
Terry Smith, Senior Civil Engineer

APPROVAL OF MINUTES

MOTION

ACTION: Motion by Commissioner Cardosa, and duly seconded, to approve the minutes of the Regular Meeting of August 2, 2006, with corrections as stated.

VOTE: 5-0

AYES: Chairperson Montgomery, Commissioners Cardosa, Dominguez, Heineman and Whitton

NOES: None

ABSTAIN: Commissioner Baker

ABSENT: Commissioner Segall

Chairperson Montgomery directed everyone's attention to the slide on the screen to review the procedures the Commission would be following for that evening's Public Hearing.

PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

None.

PUBLIC HEARINGS

Chairperson Montgomery opened the Public Hearing and asked Assistant Planning Director Don Neu to introduce the first item.

1. CUP 94-06x2(A)/CDP 06-08 – CINGULAR CELLULAR POINSETTIA – Request for approval of a Conditional Use Permit Amendment and Coastal Development Permit to allow the installation of four (4) additional wireless antennas to an existing Cingular Wireless Communication Facility (WCF) located at 760 Macadamia Drive on the

northeast corner of Macadamia Drive and Avenida Encinas in the C-2 zone, the Mello I Segment of the Local Coastal Program (LCP), and Local Facilities Management Zone 22.

Mr. Neu stated Item 1 would normally be heard in a public hearing context; however, the project is minor and routine in nature with no outstanding issues and Staff recommends approval. He recommended that the public hearing be opened and closed, and that the Commission proceed with a vote as a consent Item, including the errata sheets, if any. Staff would be available to respond to questions if the Commission or someone from the public wished to pull the Item.

Chairperson Montgomery asked if any members of the Planning Commission wished to pull any of the items listed.

Chairperson Montgomery asked if any members of the Planning Commission had questions or additions. Seeing none, Chairperson Montgomery asked if any of the applicants would like to speak. Seeing none, Chairperson Montgomery entertained a motion.

MOTION

ACTION: Motion by Commissioner Baker and duly seconded, that the Planning Commission approve Item 1.
VOTE: 6-0
AYES: Chairperson Montgomery, Commissioners Baker, Cardoso, Dominguez, Heineman and Whitton
NOES: None
ABSENT: Commissioner Segall

Chairperson Montgomery closed the Public Hearing on Item 1 and asked Mr. Neu to introduce the next item.

2. MP 98-01(E)/CT 05-14/PUD 05-11/CT 05-15/PUD 05-12/CT 05-16/PUD 05-13-LA COSTA OAKS NORTH NEIGHBORHOODS 3.1, 3.3, 3.4 AND 3.5 – Request for a determination that the project is within the scope of the previously certified Villages of La Costa Program EIR and that the Program EIR adequately describes the activity for the purposes of CEQA; and 1) approval of a Minor Master Plan Amendment to the Villages of La Costa Master Plan to transfer four dwelling units between neighborhoods 3.3 to 3.1, combine the community recreation facilities for Neighborhoods 3.1 and 3.3 into neighborhood 3.1 and modify text and graphics in the Master Plan to reflect the changes to the Master Plan and 2) a recommendation for approval of three Tentative Tract Maps and three Planned Development permits for 283 residential lots and 7 open space lots for Neighborhoods 3.1, 3.3, 3.4 and 3.5. The project sites are located west of Rancho Santa Fe Road, south of Melrose Drive and north of Cadencia Street in Local Facilities Management Zone 11.

Mr. Neu introduced Agenda Item 2 and stated Senior Planner Van Lynch would make the staff presentation.

Mr. Lynch gave a presentation and stated he would be available to answer any questions.

Chairperson Montgomery asked if there were any questions of staff.

Commissioner Baker asked Mr. Lynch to identify on the slide presentation the trails and connections between the neighborhoods and around the project. Mr. Lynch pointed out the trails and connections throughout the neighborhood and around the project.

Chairperson Montgomery asked the applicant if he would like to make a presentation.

Jack Henthorn, 5365 Avenida Encinas, Suite A, Carlsbad, made a presentation.

Chairperson Montgomery asked the applicant if he would like to continue with only six Commissioners present. The applicant replied yes.

Chairperson Montgomery asked if there were any questions of the applicant.

Chairperson Montgomery opened public testimony and asked if there was anyone in the audience who wished to speak on Agenda Item 2; seeing none, Chairperson Montgomery closed public testimony.

Commissioner Baker asked the applicant if not developing the area of land containing the group of 7 parcels was considered and asked if the sites developed on that area would flatten a hill. The applicant stated the seven parcels in the area were uphill and he did not recall if they gave consideration to not developing the land. The applicant explained the land was not impacted by the Habitat Conservation Plan and had no sensitivity but did create an opportunity for the developer to provide view sites.

Commissioner Dominguez asked if the applicant had an affordable housing unit estimate which would be developed along the east side of the master plan. The applicant stated 168 affordable apartment units were approved for the site.

Commissioner Heineman asked how soon the sites would be on the market. The applicant stated he thought the development would be complete and available sometime in the next year or two.

MOTION

ACTION: Motion by Commissioner Baker, and duly seconded, that the Planning Commission ADOPT Planning Commission Resolution No. 6145 APPROVING Minor Master Plan Amendment MP 98-01(E), and ADOPT Planning Commission Resolutions No. 6146, 6147, 6148, 6149, 6150 and 6151 RECOMMENDING APPROVAL of Tentative Tract Maps CT 05-14, CT 05-15 and CT 05-16 and Planned Unit Development Permits PUD 05-11, PUD 05-12 and PUD 05-13 based on the findings and subject to the conditions contained therein.

VOTE: 6-0

AYES: Chairperson Montgomery, Commissioners Baker, Cardoso, Dominguez, Heineman and Whitton

NOES: None

ABSENT: Commissioner Segall

Chairperson Montgomery closed the Public Hearing on Item 2 and asked Mr. Neu to introduce the next item.

3. ZC 05-12/MP 149(U)/CUP 05-13/HMPP 06-01 – FIRE STATION NO. 6 – Request for 1) recommendation of adoption of a Mitigated Negative Declaration and Mitigation Monitoring And Reporting Program; 2) recommendation of approval of a Zone Change from P-C to R-1-20,000, and a Master Plan Amendment to delete property from the La Costa Master Plan 149; and 3) approval of a Conditional Use Permit, and a Habitat Management Plan Permit for the construction of a 6,200 square foot, two story fire station on a 0.5 acre of vacant, city-owned property located on the west side of Rancho Santa Fe Road and about 0.5 mile south of San Elijo Road in Local Facilities Management Zone 11.

Mr. Neu introduced Agenda Item 3 and stated Associate Planner Scott Donnell assisted by Senior Civil Engineer Terry Smith would make the staff presentation.

Mr. Donnell gave a presentation and stated he would be available to answer any questions.

Chairperson Montgomery asked if there were any questions of staff.

Commissioner Whitton asked if the City was applying for a permanent Conditional Use Permit for the fire station. Mr. Donnell replied yes.

Commissioner Whitton asked if there was a high degree of certainty that the wildlife agencies would approve the mitigation measures. Mr. Donnell stated that based on previous meetings and telephone conversations with the agencies, he felt the Fish and Wildlife agencies were comfortable with the minor proposed adjustment. Mr. Donnell also stated the agencies were aware of that evening's Planning Commission meeting and that approval with them would take place after the meeting but before permits were pulled for construction.

Commissioner Whitton asked if an agreement was obtained from the property owners to get permission for access to the fire station. Mr. Donnell replied yes, the surrounding property owner, Center for Natural Lands Management, had already indicated they would support the access easement.

Commissioner Baker asked how the City could justify the 31.5 feet fire station height when 30 feet was the maximum height limit for a single family home. Mr. Donnell stated because the land was zoned R1-20,000, the zoning limits permitted heights of up to 35 feet.

Commissioner Baker asked if the building could have been moved further west to avoid having only a 5.5-foot front setback. Mr. Donnell stated the building was shifted to the east due to circulation and parking requirements in addition to providing a suitable setback for wild fire concerns. Commissioner Baker asked why the wildfire concern would be different on the 5.5-foot setback side of the building compared to the other sides of the building. Mr. Donnell stated that there was an easement in front of the setback on the 5.5-setback side that enabled the building to be quite a distance to habitat adjacent to the front setback. Therefore, the need was not as great to include specific building measures for wildfire concerns. Mr. Donnell explained that on the west side of the structure, the setback that was provided mitigates concerns with wildfire impacts.

Chairperson Montgomery asked Mr. Donnell to identify the fire station garage doors on the slide presentation. Mr. Donnell pointed out the 2 sets of garage doors at the front elevation facing the north and at the rear of the building facing south.

Commissioner Baker asked if the purpose of the signal and intersection on Rancho Santa Fe Road was to stop traffic for emergency response vehicles to access Rancho Santa Fe Road and if this stop light would be green for the majority of the time. Mr. Donnell replied yes to both questions.

Commissioner Dominguez asked if a standard light would be installed at that intersection. Mr. Smith replied yes. Commissioner Dominguez asked if there were specialized signals available for this use as an alternative to using a costly standard traffic control signal. Mr. Smith stated the City's Engineering Department preferred the standard signal to provide consistency throughout the City and to avoid the potential confusion a different type of signal may cause.

Commissioner Baker stated her concern with installing a costly signal when it would be used only when fire trucks were rolling out of the station. Mr. Smith stated the signal would be utilized by visitors and personnel accessing the site as well.

Commissioner Baker asked if 35 ADTs would typically warrant a signal. Mr. Smith stated the signal's primary purpose was for stopping traffic when emergency response vehicles need to access Rancho Santa Fe Road. Commissioner Baker stated she understood but questioned the need for a full signal. Mr. Smith stated the full signal was necessary for normal circulation accessing the site whether it be for visitors, people going to work, or fire trucks.

Commissioner Dominguez asked if alternative signals were used for this purpose which would preclude spending a half of a million dollars for only 35 ADT. Mr. Smith stated traffic volume on Rancho Santa Fe Road was 35,000 ADT and that no, there were no alternative signals currently used in Carlsbad for this purpose.

Commissioner Dominguez asked if research had been conducted to look into the possibility of alternative emergency response signalization. Mr. Smith stated the City's Engineering department made the decision to use the standard signal and Bob Johnson, the City's Traffic Engineer, recommended the standard full signal.

Commissioner Whitton stated Rancho Santa Fe Road was heavily trafficked and the signal would not be consistently green due to the 35 civilian ADTs which would trigger stops during the course of the day. Mr. Smith concurred and stated the 35 ADTs was a high estimate of trips generated by the facility. Commissioner Whitton asked if there was a more economical way to accommodate these vehicles. Commissioner Whitton explained he agreed with the project but thought for the amount of money this type of signal would cost, perhaps more research would be wise. Mr. Smith stated he did not believe this was a land use issue and also stated all the necessary department approvals had been completed and the standard full signal was recommended by the traffic engineer.

Chairperson Montgomery asked if the fire station signal would activate in coordination with the signal on Avenida Soledad which was 400 feet north. Mr. Smith stated the idea would be that when the traffic signal for the fire department turned red, the traffic signal at Avenida Soledad would turn red as well and when they turned green, they would both be green. Chairperson Montgomery asked if it was possible to have the signal at Avenida Soledad be the primary activation source so the fire station signal would not activate until the light at Avenida Soledad was triggered. Mr. Smith replied yes, it was something that could be looked at by studying the traffic pattern.

Mr. Smith stated u-turns would need to be addressed. Chairperson Montgomery stated that posting a no u-turn sign would probably be best.

Commissioner Whitton asked if there would be dedicated left-hand turn lanes. Mr. Smith replied yes.

Chairperson Montgomery asked staff what assurance the Commission would have that the previously mentioned items would be addressed such as the signal coordination of the fire station signal with the signal at Avenida Soledad.

Assistant City Attorney Jane Mobaldi stated they were getting far field of the conditions that the Planning Commission was to approve that night and stated Resolution 6157, Condition 32 did require the developer to install a signal. Ms. Mobaldi stated it was within the Planning Commission's parameters to determine whether a traffic light be required however, she felt the intricacies of how the light works and when and how the light would be triggered was outside the purview of the Planning Commission and belonged in the expertise of the traffic department.

Commissioner Baker asked Ms. Mobaldi if when a development was brought before the Planning Commission, it was within the Planning Commission's purview to consider circulation routes. Commissioner Baker explained her concerns were with ensuring traffic flowing smoothly on Rancho Santa Fe Road. Ms. Mobaldi stated Commissioner Baker's concern was legitimate and suggested that if that was the main concern, perhaps the item should be continued in order to have the traffic engineer come in to explain his thoughts.

Mr. Smith stated there would be flexibility to adjust the signal timing which was the reason for having the signals inter-connected and stated it was Bob Johnson's preference to study the situation and make the appropriate adjustments. Mr. Smith stated their recommendation to Bob Johnson would be to synchronize the left turn timing with the actual traffic at Avenida Soledad to minimize impacts. Mr. Smith stated traffic patterns were dynamic and were constantly changing as development occurred and patterns would constantly be monitored.

Deputy City Engineer David Hauser explained the cost of the traffic signal would be \$185,000 to \$200,000 not \$500,000 as had previously been suggested. Mr. Hauser also stated if a different type signal was used, the difference in cost would be minimal and the signal may not have the capability to inter-connect with the other signals. Mr. Hauser stated he agreed with Ms. Mobaldi to have the traffic considerations determined by the traffic department.

Chairperson Montgomery asked if the signals could be synchronized as much as possible. Mr. Hauser stated the traffic engineers would respond to any issues and would reset the computers to set up the maximum flow to make the roadway work the best way possible. Mr. Hauser stated he did not think there was an alternative to having a full standardized signal other than determining that the site was not adequate for a fire station because of the traffic signal.

Commissioner Whitton asked if the quoted \$185,000 - \$200,000 figure was for one traffic signal unit. Mr. Hauser stated \$185,000 - \$200,000 in addition to \$20,000 for signal interconnects, would be the entire signal cost for the intersection.

Chairperson Montgomery asked if the price encompassed multiple signal heads. Mr. Hauser replied yes.

Commissioner Whitton stated this project was extremely important and that there were other projects hinging on the approval of this project. Commissioner Whitton stated he was prepared to move the project forward and although there may be no alternative, he would like to see more consideration on the intersection signalization.

Mr. Hauser stated they would take into consideration and discuss with the traffic engineer no u-turns and pedestrian crossing. Mr. Smith stated they do not anticipate pedestrian crossing at the intersection. Mr. Hauser stated pedestrian crossing was something they would look at and would probably install a sign stating there would be no pedestrian crossing.

Chairperson Montgomery opened public testimony and asked if there was anyone in the audience who wished to speak on Agenda Item 3; seeing none, Chairperson Montgomery closed public testimony.

DISCUSSION

Chairperson Montgomery stated this Planning Commission received a proposal for a temporary fire station a few months back for Fire Station #6 which resulted in a split decision and denied the move of that station. Chairperson Montgomery explained that in looking back at those notes, the Planning Commission was led to believe that the meeting that night would not be held for 18 months to 3 years and further explained that if the Planning Commission would have known Item 3 was so near, the vote for Fire Station #6 might have been different. Chairperson Montgomery asked what occurred which caused this event to come forward so quickly.

Mr. Smith stated the architect was hired 2 years ago and the environmental consultant was hired 6 months later. Mr. Smith explained there was some hesitation from Staff to give a firm timeline as to when the project would move forward since they did not have much contact with the Fish and Wildlife agencies and did not know their position on the project. Mr. Smith stated Staff and the environmental consultant did an outstanding job which was acknowledged by the Fish and Wildlife agencies not commenting during the environmental review period. The agencies have worked with the City on this minor adjustment to the habitat conservation plan and in concept have an agreement which was expected to be formalized soon.

Chairperson Montgomery stated a few months ago, the City did not know where they stood with the Fish and Wildlife agency nor the Department of Fish and Game which was why the Planning Commission was told it could be 18 months to a few years before the project was brought forward. Mr. Smith concurred.

Mr. Hauser inquired if Staff meant that that was the timeframe when they would come back for recommendation of approval on the CUP or were they saying that was the timeframe they would have to stay in the existing building. Mr. Hauser explained it would take another few weeks to get to City Council, the bidding and award process would take 4 months, and the construction process would put them at least 18 months away from getting to a point where they could move in.

Chairperson Montgomery stated the Planning Commissioner was led to believe the approval of this project was nebulous and no option was presented to the Planning Commission other than the knowledge that there was a permanent fire station location. Chairperson Montgomery explained the Planning Commission went through a lot of effort and the vote was very close.

Chairperson Montgomery stated he was pleased the project went through.

Commissioner Baker stated that although she would have no intention of delaying the project, she was against increasing the stopping time on Rancho Santa Fe Road and would like to suggest they do everything possible to ensure the traffic moves along in a timely manner.

Commissioner Baker stated she had gone over response times at length with Mr. Hauser and felt confident everything would work well.

Commissioner Dominguez stated he was in favor of moving this project along as soon as possible but had the same concerns as Commissioner Baker and would like to see a no u-turn sign posted at the intersection from the beginning.

Chairperson Montgomery commended the architecture of the new fire station and felt the design would go well with the current development.

MOTION

ACTION: Motion by Commissioner Baker, and duly seconded, that the Planning Commission ADOPT Planning Commission Resolution No. 6154 RECOMMENDING ADOPTION of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and ADOPT Planning Commission Resolutions No. 6155 and 6156 RECOMMENDING APPROVAL of Zone Change ZC 05-12 and Master Plan Amendment 149(U) and ADOPT Planning Commission Resolutions No. 6157 and 6158 APPROVING Conditional Use Permit CUP 05-13 and Habitat Management Plan Permit HMPP 06-01, based on the findings and subject to the conditions contained therein.

VOTE: 6-0

AYES: Chairperson Montgomery, Commissioners Baker, Cardosa, Dominguez, Heineman and Whitton

NOES: None

ABSENT: Commissioner Segall

Chairperson Montgomery closed the Public Hearing on Item 3.

PLANNING COMMISSION COMMENTS

None.

PLANNING DIRECTOR COMMENTS

None.


CITY ATTORNEY COMMENTS

None.

ADJOURNMENT

MOTION

By proper motion, the regular meeting of the Planning Commission of August 16, 2006, was adjourned at 7:14 PM.



DON NEU

Assistant Planning Director

Barbara Safarik
Minutes Clerk